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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,133	03/08/2001	Cameron W. Tanner	COR-54	8954

31362 7590 01/05/2005

JOANNE N. PAPPAS  
45 NAGOG PARK  
ACTON, MA 01720

EXAMINER

CHOOBIN, BARRY

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/803,133	<b>Applicant(s)</b> TANNER	
	<b>Examiner</b> Barry Choobin	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-132 is/are pending in the application.
- 4a) Of the above claim(s) 35-54 and 99-118 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-24, 79-88 and 130 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 8, 25, 30, 55, 61, 65, 72, 89, 94, 119, 125, 129, 131 and 132 is/are rejected.
- 7) ☒ Claim(s) 3, 5-7, 9-14, 26-29, 31-34, 56-60, 62-64, 66-71, 73-78, 90-93, 95-98, 120-124 and 126-128 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/9/01, 6, 13, 01</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 10, 21, 04</u> .                   |

**DETAILED ACTION**

1. Applicant's election without traverse of Group I claims in the reply filed on August 10, 2004 is acknowledged.
2. Claims 35-54, 99-118 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 10, 2004.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on October 21, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
4. The information disclosure statement (IDS) submitted on June 13, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
5. The information disclosure statement (IDS) submitted on March 9, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 8, 55, 65, 72, 119, 129 are rejected under 35 U.S.C. 102(b) as being anticipated by Abdel-Mottaleb (US 5,768,406).

As to claims 1, 4, 8, 55, 65, 72, 119, 129, Abdel-Mottaleb discloses a method for automatically locating spot in an image based on intensities of points in the spots in an image, comprising (identifying suspect mass corresponds to locating spot in an image): determining whether a current point the image and two adjacent points have intensities that are approximately above a minimum threshold intensity (Fig.2, step 26); and identifying whether part of a new spot is located at the current point based only on the intensities of the two adjacent points when the current point has an intensity that is approximately above the minimum threshold intensity (fig.2, step 56).

As to claims 2, Abdel Motaleb discloses the method of claim 1 wherein said determining comprises determining whether the current point and the two adjacent points have intensities that are approximately within a threshold range comprising the minimum threshold intensity and a maximum threshold intensity (column 5, lines 10-18).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 25, 30, 61, 89, 94, 125, 131 and 132 are rejected under 35 U.S.C. 102(b) as being anticipated by Price et al (US 5,548,661).

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As to claims 25, 30, 61, 89, 94, 125, 131 and 132, Price et al disclose a method for automatically locating spots in an image based on intensities of pixels in the image, comprising determining an integrated intensity for each of a plurality of particularly-shaped regions that are each centered on a different one of a plurality of pixels in the image (column 21, lines 1-24); and identifying that a new spot is located in one of the regions based on the integrated intensity of that region in relation to the integrated intensities of the other regions (column 21, lines 1-24).

***Allowable Subject Matter***

9. Claims 3, 5-7, 9-14, 26-29, 31-34, 56-60, 62-64, 66-71, 73-78, 90-93, 95-98, 120-124, 126-128 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 15-24 and 79-88 allowed.

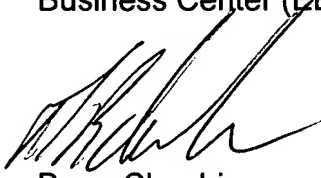
***CONTACT INFORMATION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Barry Choobin', is written over the printed name.

Barry Choobin  
December 29, 2004